

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,135	01/23/2004	Yuji Tomiyama	0388-040112	6069
28289 75: THE WEBB LAV			EXAMINER	
700 KOPPERS B	UILDING		AVERY, BRIDGET D	
436 SEVENTH A PITTSBURGH, F	- · · -		ART UNIT PAPER NUMBER	
,			3618	
		<u> </u>	•	
SHORTENED STATUTORY I	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONT	THS	12/28/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	A multipopular				
		Application No.	Applicant(s)				
Office Action Summary		10/764,135	TOMIYAMA ET AL.				
		Examiner	Art Unit				
		Bridget Avery	3618				
Period fo	The MAILING DATE of this communication Reply	n appears on the cover sheet	with the correspondence address				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR FOR HEVER IS LONGER, FROM THE MAILIN nsions of time may be available under the provisions of 37 C SIX (6) MONTHS from the mailing date of this communicati to period for reply is specified above, the maximum statutory or to reply within the set or extended period for reply will, by reply received by the Office later than three months after the end patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUN CFR 1.136(a). In no event, however, may on. period will apply and will expire SIX (6) Mo statute, cause the application to become	IICATION. a reply be timely filed DNTHS from the mailing date of this communication ABANDONED (35 U.S.C. § 133).				
Status							
1)⊠	Responsive to communication(s) filed on	17 October 2006.					
2a)⊠	This action is FINAL . 2b) This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice ur	nder <i>Ex parte Quayle</i> , 1935 C	D. 11, 453 O.G. 213.				
Dispositi	on of Claims						
4)⊠	Claim(s) 1,2 and 4-12 is/are pending in the	ne application.					
	4a) Of the above claim(s) <u>6-9</u> is/are withdrawn from consideration.						
5)	Claim(s) is/are allowed.						
6)⊠	Claim(s) <u>1,2,4,5 and 10-12</u> is/are rejected	1 .					
7)	Claim(s) is/are objected to.						
8) 🗌	Claim(s) are subject to restriction a	and/or election requirement.					
Applicati	on Papers						
9)[[The specification is objected to by the Exa	aminer.					
•	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
•	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	The oath or declaration is objected to by t	he Examiner. Note the attach	ed Office Action or form PTO-152.				
Priority u	ınder 35 U.S.C. § 119						
12)	Acknowledgment is made of a claim for fo	reign priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
a)[a) ☐ All b) ☐ Some * c) ☐ None of:						
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No.						
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
	application from the International Bureau (PCT Rule 17.2(a)).						
* 5	See the attached detailed Office action for	a list of the certified copies no	ot received.				
Attachmen		-					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-94		v Summary (PTO-413) o(s)/Mail Date				
3) Inform	nation Disclosure Statement(s) (PTO/SB/08)	5) D Notice of	f Informal Patent Application				
Pape	Paper No(s)/Mail Date 6) Other:						

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. (US Patent 6,655,486) in view of Knutson (US Patent 3,897,847).

Oshikawa et al. teaches a working vehicle comprising: a vehicle body; a radiator (3) mounted on the vehicle body; a hood provided at a front portion of the vehicle body for covering the radiator (3); the hood including a hood body, a front-face grill portion provided at a front face of the hood body for introducing ambient air to the interior of the hood, and a pair of side-face grill portions (36) provided at right and left side faces of the hood body for introducing ambient air into the interior of the hood; and a rectifier member (40) for controlling the flow of ambient air introduced from a rear portion of the side-face grill portion (36). See column 5, lines 18-30. Re claim 5, the portions of the covers (16A, 16B) surrounding the grill/ports (38) is a flange on which the rectifier/plate (40) is formed.

Oshikawa et al. lacks the teaching of a condenser.

Knutson teaches an air conditioner and a condenser (48). The condenser (48) is positioned forwardly of a radiator (38).

Based on the teachings of Knutson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add an air conditioner and condenser to the working vehicle of Oshikawa et al. to provide cooling for the driver during elevated temperatures. It would have been obvious to one of ordinary skill in the art to modify the leading end portions of the rectifier member of the combination of Oshikawa et al. and Knutson to direct ambient air more forwardly of condenser to improve cooling efficiency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) and Knutson ('847).

The combination of Oshikawa et al. and Knutson teach the features described above.

The combination of Oshikawa et al. and Knutson lack the teaching of a mesh member having a progressively increased aperture.

However, the provision of a progressively increased aperture is a change in size that would have been obvious to one having ordinary skill in the art, at the time the invention was made, to regulate the flow of air.

Application/Control Number: 10/764,135 Page 4

Art Unit: 3618

2. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) and Knutson ('847), as applied to claim 1 above, and further in view of Templeton et al. (US Patent 5,634,525).

The combination of Oshikawa et al. and Knutson teach the features described above.

The combination of Oshikawa et al. and Knutson lack the teaching of a seal.

Templeton teaches a seal (42, 45), a hinge (21) and a reinforcing frame member/rib (39).

Based on the teachings of Templeton, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a seal and a reinforcing hinge to the combination of Oshikawa et al. and Knutson to prevent hot air from re-circulating from the engine compartment to be passed back through the radiator.

Response to Arguments

3. Applicant's arguments filed October 17, 2006 have been fully considered but they are not persuasive. Contrary to applicant's arguments, the work vehicle of Oshikawa et al. teaches "a front-face grill portion" (23). The grill portion (23) is located on a "front-face" of the cover body, as broadly claimed by applicant.

Conclusion

Application/Control Number: 10/764,135

Art Unit: 3618

4. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Teich shows an enclosure for vehicle engine compartment.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to Bridget Avery at

telephone number 571-272-6691.

December 18, 2006

CHRISTOPHER P. ELLIS SUPERVISORY PATENT EXAMINER

Page 5

TECHNOLOGY CENTER 3600